

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DERRICK D. MCGREGORY, SR.,

Plaintiff,

v.

Case No. 2:18-cv-00025-WED

THOMAS OZELIE and ALLAN
TENHAKEN,

Defendants.

**PRETRIAL REPORT
BY PLAINTIFF DERRICK MCGREGORY, SR.**

NOW COMES Plaintiff Derrick D. McGregory, Sr. (“McGregory”), by his attorneys, the law firm of GINGRAS THOMSEN & WACHS LLP, by Attorney William F. Sulton, and submits this pretrial report pursuant to the Court’s scheduling order of August 15, 2019 (Dkt. 92).

Civil L. R. 16(c)(1)(A): a short summary, not to exceed 2 pages, of the facts, claims, and defenses.

On May 17, 2017, City of Milwaukee Police Officers Thomas Ozelie (“Officer Ozelie”) and Allan Tenhaken (“Officer Tenhaken”) stopped Samuel Hayden (“Hayden”) in front of an apartment building. McGregory was a bystander, sitting on concrete steps during Hayden’s stop. Children approach Officer Ozelie and asked him “who are you going to arrest today?” Hayden

walks to the door of the apartment building. Hayden opens and walks through the outer door but is unable to open the next door.

McGregory stands up and walks to the apartment building. Before McGregor reaches the outer door, Hayden walks past McGregor and Officer Ozelie who is approaching behind McGregor. As McGregor begins to close the door, Officer Ozelie puts his right hand in the door. Officer Ozelie states that his hand is in the door. McGregor replies that he is sorry and tries to move backwards and pull the door away from Officer Ozelie's hand. Officer Ozelie responds by kneeing McGregor and using his much larger body to pin McGregor into a corner. Officer Ozelie proceeds to attack McGreogry with fists and knees.

While McGregor is doubled over in pain and trying to block Officer Ozelie's blows, Officer Tenhaken slams McGregor on the ground. While McGregor is face down on the ground, Officer Tenhaken slams McGregor head into the pavement. As a result of the Officers Ozelie and Tenhaken's misconduct, McGregor suffered swollen eyes, a bloody nose, swollen and lacerated lips, shattered teeth that had to be removed and severe back pain.

Civil L. R. 16(c)(1)(B): a statement of the issues.

Issue No. 1: Did Officer Ozelie use excessive force against McGregor?

Issue No. 2: Did Officer Tenhaken use excessive force against McGregor?

Issue No. 3: What damages are due to McGregor?

Civil L. R. 16(c)(1)(C): the names and addresses of all witnesses expected to testify. *See* Dkt. 100.

Civil L. R. 16(c)(1)(D): a statement of the background of all expert witnesses listed. McGregory will not call any expert witnesses.

Civil L. R. 16(c)(1)(E): a list of exhibits to be offered at trial sequentially numbered according to General L. R. 26 where practicable. *See* Dkt. 99.

Civil L. R. 16(c)(1)(F): a designation of all depositions or portions of transcripts or other recordings of depositions to be read into the record or played at trial as substantive evidence. McGregory does not have any such designations.

Civil L. R. 16(c)(1)(G): an estimate of the time needed to try the case. McGregory believes the case can be tried in two days.

Civil L. R. 16(c)(1)(H)(i): any proposed *voir dire* questions. *See* Dkt. 101.

Civil L. R. 16(c)(1)(H)(ii): proposed instructions on substantive issues. *See* Dkt. 102.

Civil L. R. 16(c)(1)(H)(iii): a proposed verdict form. *See* Dkt. 98-2.

Dated at the law office of GINGRAS THOMSEN & WACHS LLP in Milwaukee,
Wisconsin, on this 30th day of October, 2019.

/s/ William F. Sulton

WILLIAM F. SULTON

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